[31st January 1961

APPENDIX II.

[Vide item IV (1) on page 13 supra.]

(L.A. BILL No. 32 OF 1960.)

(As passed by the Assembly.)

A Bill further to amend the Madras Cinemas (Regulation) Act, 1955.

WHEREAS it is expedient further to amend the Madras Cinemas (Regulation) Act, 1955 (Madras Act IX of 1955), for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Cinemas (Regulation) Amendment Act, 1960.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 5, Madras Act IX of* 1955.—In section 5 of the Madras Cinemas (Regulation) Act, 1955 (Madras Act IX of 1955) (hereinafter referred to as the principal Act)—

(i) in sub-section (7), for the words " the decision of the licensing authority refusing to grant a licence under this Act or refusing to approve any transfer ", the words " the decision of the licensing authority granting, or refusing to grant, a licence under this Act or approving, or refusing to approve, any transfer " shall be substituted;

(ii) after sub-section (7), the following sub-section shall be added, namely :—

" (8) The appellate authority referred to in sub-section (7) may stay the execution of any such decision, pending the exercise of its powers under sub-section (7) in respect thereof."

3. *Amendment of section 5-A, Madras Act IX of* 1955.—In sub-section (2) of section 5-A of the principal Act, for the words and figures " sections 5, 8 and 9 ", the words, figures and letter " sections 5, 8, 9 nd 9-A " shall be substituted.

4. *Amendment of section 9, Madras Act IX of* 1955.—(1) Section 9 of the principal Act shall be re-numbered as sub-section (1) of that section and in the heading to that section, after the words " to revoke ", the words " or suspend " shall be inserted.

(2) After the sub-section as so re-numbered, the following sub-sections shall be added, namely :—

" (2) If the licensing authority is satisfied, either on a reference made to it in this behalf or otherwise, that—

(*a*) a licence granted under this Act has been obtained by misrepresentation or fraud as to an essential fact, or

(*b*) the licensee has, without reasonable cause, failed to comply with any of the provisions of this Act or of the rules made thereunder, or any of the conditions or restrictions upon or subject

31st January 1961]

to which the licence has been granted, then without prejudice to any other penalty to which the licensee may be liable under this Act, the licensing authority may, after giving the licensee an opportunity of showing cause, revoke or suspend the licence.

(3) Where the licensing authority revokes or suspends any licence under sub-section (2), it shall do so by an order communicated to the licensee giving the reasons in writing for such revocation or suspension ".

5. *Insertion of new section 9-A in Madras Act IX of* 1955.—After section 9 of the principal Act, the following section shall be inserted, namely :—

" 9-*A*. *Appeal against revocation or suspension of licence*.—(1) Any person aggrieved by the decision of the licensing authority revoking or suspending a licence under sub-section (2) of section 9 may, within such time as may be prescribed, appeal to such authority as the Government may specify in this behalf and such authority may make such order in the case as it may think fit.

(2) The appellate authority referred to in sub-section (1) may stay the execution of any such decision, pending the exercise of its powers under sub-section (1) in respect thereof ".

6. *Amendment of section* 10, *Madras Act IX of* 1955.—In sub-section (2) of section 10 of the principal Act, after clause (*j*), the following clause shall be added, namely :—

" (*k*) the time within which and the conditions subject to which an appeal under section 9-A may be preferred and the fees to be paid in respect of such appeal ".

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New section 9-A (1) proposed to be insered by clause 5 and new clause (*k*) of section 10 (2) proposed to be added by clause 6 of the Bill authorise the Government to prescribe the time within which and the conditions subject to which an appeal against revocation or suspension of licence or permission may be preferred and the fees to be paid in respect of such appeal. New section 9-A (1) also empowers the Government to specify the authority to whom appeal shall be under that section. The powers delegated are normal and not of any exceptional character.

APPENDIX III.

[Vide item IV (2) on page 256 supra.]

(L.A. BILL No. 7 OF 1961.)

(As passed by the Assembly.)

A Bill to supplement the provisions of the Evacuee Interest (Separation) Amendment Act, 1960.

WHEREAS it is expedient to supplement the provisions of the Evacuee Interest (Separation) Amendment Act, 1960 (Central Act 27 of 1960), for the purposes hereinafter appearing;